IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5399 of 2007()

CMP.2673/2007 of J.M.F.C.-II,TRIVANDRUM
CRIME NO.282/07 OF PEROORKADA POLICE STATION

.....

PETITIONER/1ST ACCUSED

RAMESH D.N. @ KANNAN, S/O. DIVAKARAN
NAIR, BUNGLAVIL VEEDU, N.C.C.ROAD,
PEROORKADA, TRIVANDRUM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 5399 of 2007

Dated this the 10th day of September, 2007

ORDER

Application for regular bail. The petitioner faces allegations, inter alia, under Secs.326 and 308 read with Sec.34 of the IPC. The petitioner had come to this Court earlier with an application for anticipatory bail. That application was rejected by order 17/7/07 in B.A.No.4210/07. Later, the petitioner was arrested. He continues in custody from 6/8/07. The co-accused i.e., the 2nd accused, has not been arrested so far. Investigation is not complete yet.

2. Prior animosity is the alleged motive. Though the allegation was raised under Sec.326 of the IPC, it is not brought to my notice as to how the injury suffered would answer affirmatively the test of Sec.320 of the IPC.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail

subject to appropriate terms and conditions.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays, Wednesdays and Fridays between 10 a.m. and 12 noon for a period of two months from this datel.

(iii) The petitioner shall not enter the jurisdiction of Peroorkada Police Station for a period of two months except for the purpose of complying with Condition No.(ii) above.

(R. BASANT, JUDGE)

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